

Docket No. 60,130-951

REMARKS

Applicant thanks the Examiner for the detailed remarks and analysis. The specification and the claims have been amended to fulfill the requirements of 35 USC 112. No change has been made to paragraph 83 because the reference numeral 64 is correct and is present in Figure 7B. The abstract has been amended to remove the "means" language.

The reference numeral, 33, Figure 1B, is described in the specification in the second part of paragraph 34 at the top of page 5. Claim 8 has been amended to indicate proper dependency.

Claims 1, 2,4-6,11-12 and 19 were rejected under 35 U.S.C. 102(b) as being anticipated by Periou (US 4,802,350). Periou includes a solenoid 15 that is actuated to disconnect a lever (12) from a catch (9). The disconnect between the two levers disables unlocking of the latch. The solenoid (15) includes a spring biasing a plunger (13) such that the default condition is to connect the lever and the catch (9) (Col 5, lines 5-20). The Periou latch can operate in an anti-theft condition where the solenoid (15) is activated to disable operation of the latch. The solenoid (15) begins in a non-powered condition and is powered in response to attempted actuation of an exterior control. The solenoid (15) must be powered to prevent release of the latch.

Examiner has cited this operation of Periou as both the first condition and the second condition as defined in amended claim 1. The solenoid (15) of Periou must be powered in order to disable the release mechanism. Amended Claim 1 includes the limitation that in the first condition, the power control means remains in a non-powered condition during attempted actuation of the manually actuatable element. In a non-powered condition, the Periou latch can be released. In fact, a main feature of Periou is the ability to release the latch in a non-powered state such as when the vehicle battery is disabled (Col. 6, lines 39-49). Amended Claim 1 clarifies that the power control means remains in non-powered at all times in the first condition and does not allow release of the latch. Periou requires energization of the solenoid (15) to disable release of the latch and therefore does not anticipate the limitations of amended Claim 1.

Examiner has rejected claim 3 under 35 USC 103(a) as being obvious over Periou.

Docket No. 60,130-951

Claim 3 now depends from an allowable base claim.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.



JOHN M. SIRAGUSA
Registration No. 46,174
Attorneys for Applicant
CARLSON, GASKEY & OLDS, P.C.
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: February 27, 2003